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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Court File No. 21-cv-1282 (PJS/DLM)

Carolyn Cole and
Molly Hennessy-Fiske,

Plaintiffs,

vs.

Ben Lockman and Michael Eck,
acting in their individual capacities
as troopers or other sworn officers
of the Minnesota State Patrol; and
Joseph Dwyer and Jason Engeldinger,
acting in their individual capacities
as Captains of the Minnesota State Patrol,

Defendants.

VIRTUAL AND VIDEOTAPED DEPOSITION OF

TESA JOHNSON

VOLUME 2

The following is the videotaped deposition of
TESA JOHNSON, VOLUME 2, taken pursuant to Notice of
Taking Deposition, via videoconference, on January 10,
2024, commencing at approximately 2:00 p.m.

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<p style="text-align: right;">281</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On Behalf of the Plaintiffs:</p> <p>4 Greta A. Wiessner, Attorney at Law</p> <p>5 Andrew J. Noel, Attorney at Law</p> <p>6 Robins Kaplan LLP</p> <p>7 800 LaSalle Avenue</p> <p>8 Suite 2800</p> <p>9 Minneapolis, Minnesota 55402</p> <p>10</p> <p>11 On Behalf of the Defendants:</p> <p>12 Joseph Weiner, Attorney at Law</p> <p>13 Minnesota Attorney General's Office</p> <p>14 445 Minnesota Street</p> <p>15 Suite 1400</p> <p>16 St. Paul, Minnesota 55101-2131</p> <p>17</p> <p>18 Kim Parker</p> <p>19 Minnesota Department of Public Safety</p> <p>20 445 Minnesota Street</p> <p>21 Suite 1000</p> <p>22 St. Paul, Minnesota 55101</p> <p>23</p> <p>24 Videographer: Jayme Hogan, Envision Video</p> <p>25 jaymehogan@outlook.com</p> <p>NOTE: The original transcript will be delivered to Robins Kaplan LLP, the noticing party.</p>	<p style="text-align: right;">283</p> <p>1 PROCEEDINGS</p> <p>2 VIDEOGRAPHER: This is the continuation</p> <p>3 of the deposition of Tesa Johnson. Today's date is</p> <p>4 January 10th, 2024, and the time is approximately</p> <p>5 2:00 p.m.</p> <p>6 Would each attorney please state their name for</p> <p>7 the record.</p> <p>8 MS. WIESSNER: Greta Wiessner for the</p> <p>9 plaintiffs.</p> <p>10 MR. NOEL: And Andrew Noel for the</p> <p>11 plaintiffs.</p> <p>12 MR. WEINER: Joe Weiner, Assistant</p> <p>13 Attorney General, on behalf of the defendants in this</p> <p>14 matter. And with us off camera and off mic is Kim</p> <p>15 Parker, general counsel for DPS.</p> <p>16 VIDEOGRAPHER: Is that everyone?</p> <p>17 MR. WEINER: I believe so.</p> <p>18 VIDEOGRAPHER: Would you please</p> <p>19 administer the oath, Madam Court Reporter.</p> <p>20 (Oath administered.)</p> <p>21 THE WITNESS: Yes.</p> <p>22 THE REPORTER: Thank you.</p> <p>23 * * *</p> <p>24</p> <p>25</p>
<p style="text-align: right;">282</p> <p>1 INDEX</p> <p>2 EXAMINATION BY: PAGE</p> <p>3 Mr. Weiner..... 284-327, 339-342</p> <p>4 Ms. Wiessner..... 327-339, 343-344</p> <p>5</p> <p>6 OBJECTIONS BY:</p> <p>7 Mr. Weiner... 329, 331, 335, 336, 339, 343, 344</p> <p>8</p> <p>9 DEPOSITION EXHIBITS: PAGE</p> <p>10 Number 11 - 10/25/18 Disciplinary Action -</p> <p>11 Notice of Suspension..... 310</p> <p>12</p> <p>13 Number 12 - Formal Complaint of Alleged</p> <p>14 Employee Misconduct..... 311</p> <p>15 Number 13 - 5/28/19 Letter of Reprimand..... 312</p> <p>16 Number 14 - 11/5/19 Formal Complaint of Alleged</p> <p>17 Employee Misconduct..... 317</p> <p>18</p> <p>19 Number 15 - 2/20/20 Disciplinary Action -</p> <p>20 Notice of Suspension..... 318</p> <p>21 Number 16 - 11/2/21 Formal Complaint of Alleged</p> <p>22 Employee Misconduct..... 321</p> <p>23</p> <p>24 Number 18 - Text messages..... 287, 336</p> <p>25</p> <p>REQUESTS: PAGE</p> <p>Text message screenshot..... 291</p>	<p style="text-align: right;">284</p> <p>1 TESA JOHNSON,</p> <p>2 being first duly sworn, was examined</p> <p>3 and testified as follows:</p> <p>4 EXAMINATION (Continued)</p> <p>5 BY MR. WEINER:</p> <p>6 Q. Good afternoon, Ms. Johnson. Thank you for coming</p> <p>7 back and being with us today.</p> <p>8 A. Sure.</p> <p>9 Q. We've done this before, but just so that the record is</p> <p>10 clear for this most recent deposition, my name is Joe</p> <p>11 Weiner. I am an Assistant Attorney General. I</p> <p>12 represent the defendants in this matter, this lawsuit</p> <p>13 brought by Carolyn Cole and Molly Hennessy-Fiske.</p> <p>14 I'm going to be asking you some questions, a</p> <p>15 continuation from the deposition back in December. I</p> <p>16 hope it won't take very long. And then I think</p> <p>17 Ms. Wiessner may have some questions for you after</p> <p>18 that.</p> <p>19 And as with our last deposition, do you</p> <p>20 understand that you're here today testifying under</p> <p>21 oath?</p> <p>22 A. Yes.</p> <p>23 Q. And you understand that means that you must testify</p> <p>24 truthfully, correct?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">285</p> <p>1 Q. Okay. Same rules as before. We have our court 2 reporter here who is taking down my questions, your 3 answers. So it's important that we speak one at a 4 time. And I will try my best to wait for you to 5 finish any of your answers before asking a question, 6 and I'd ask that you wait for me to finish asking the 7 question before you answer. 8 Is that okay?</p> <p>9 A. Yes.</p> <p>10 Q. Also, because of the nature of a written transcript 11 for this, it's really important that we get verbal 12 responses. So yeses and noes are what we're shooting 13 for instead of uh-huhs or huh-huhs or shakes of the 14 heads or nods of the heads because those don't 15 transcribe very well. Okay?</p> <p>16 A. Okay.</p> <p>17 Q. If at any point I ask a question and you don't 18 understand it, please let me know, and I will rephrase 19 the question. But if you ask the question that I 20 answer (sic), we can assume for purposes of this 21 deposition that you understood it. Okay?</p> <p>22 A. Okay.</p> <p>23 Q. As I think we told you last time, if at any point you 24 need to take a break, please let us know, and we can 25 do that. All that I'll ask is that if there's a</p>	<p style="text-align: right;">287</p> <p>1 night?</p> <p>2 A. No.</p> <p>3 Q. Okay. So I want to ask you about those documents -- 4 or that text message chain, if we could. I just have 5 a few questions about it.</p> <p>6 So what I'm going to do is try to share my screen 7 here and show you a document that I think, because of 8 how I premarked some exhibits, I think we're going to 9 mark this as Exhibit 18, one eight, then we're going 10 to go backwards for some. And I apologize to 11 everybody for that, but that's kind of how it shook 12 out with this.</p> <p>13 So, Ms. Johnson, can you see my screen now?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. So looking at this, I'll tell you what I did, 16 and I've shared this with counsel before the 17 deposition. I took the actual screenshots that you 18 provided and copied them all into one document. It 19 just kind of goes down so it's all one page so that we 20 could use it for purposes of this deposition.</p> <p>21 So what I'm going to do just really quickly is, 22 I'm going to start here up at the top, and I want you 23 to take a look at this and let me know when you're 24 done reading it, and then I'm going to ask you if this 25 appears to be the same series of text messages that</p>
<p style="text-align: right;">286</p> <p>1 question pending that you answer the question before 2 we go on the break. Okay?</p> <p>3 A. Okay.</p> <p>4 Q. And has there been any medical changes for you in the 5 last three weeks that would impair your ability to 6 testify truthfully in this matter?</p> <p>7 A. No.</p> <p>8 Q. Has there been any other reason that you would be 9 unable to testify truthfully in this matter today?</p> <p>10 A. No.</p> <p>11 Q. Okay. Great. So let's get started with some of the 12 substantive questions here.</p> <p>13 During the last deposition counsel had asked you 14 to look for and to search for certain documents or 15 text messages or phone messages between you and Jason 16 Engeldinger, Mike Eck, Joe Dwyer, or Ben Lockman. Did 17 you have an opportunity to do that search?</p> <p>18 A. Yes.</p> <p>19 Q. And I believe it was yesterday we received an email 20 from you with a text message chain that you provided. 21 Was that a result of the search that you conducted?</p> <p>22 A. Yes.</p> <p>23 Q. Were there any other documents or text messages or 24 phone messages that you were able to find other than 25 the text message chain that you sent to counsel last</p>	<p style="text-align: right;">288</p> <p>1 you provided in the email to counsel last night. 2 Okay?</p> <p>3 A. Okay.</p> <p>4 Q. (Scrolling through exhibit.)</p> <p>5 A. All right. Okay. Okay.</p> <p>6 Q. So, Ms. Johnson, I've had now had an opportunity to go 7 through this entire text chain that you provided. Is 8 this a true and accurate copy of the text chain that 9 you searched for and found and provided to counsel on 10 January 9th, 2024?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Thank you.</p> <p>13 So I wanted to start asking you first with who 14 this text message is from -- or is to. So up here we 15 have an individual, Captain, and it's a German word, 16 and I'm sure I will butcher it in trying it, but 17 Gefalscht. Is that close? Do you know?</p> <p>18 A. Yes.</p> <p>19 Q. And I'm not aware of there being a Captain Gefalscht 20 in the State Patrol, so I'm assuming this is a name 21 that you've put in your phone to identify somebody 22 else.</p> <p>23 Who is that individual who you're identifying 24 here?</p> <p>25 A. Jason Engeldinger.</p>

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<p style="text-align: right;">289</p> <p>1 Q. So this text chain is a text chain between you and 2 Captain Engeldinger, correct? 3 A. Yes. 4 Q. All right. And so the first text message here has to 5 do with -- it's on February 24th, 2022, at 9:49 in 6 the morning, and Captain Engeldinger states that he 7 hears that you were out of state in the last couple of 8 weeks and then asks you to report the days that you 9 were going to be out for purposes of when you weren't 10 available to report to work, and you responded after 11 that. 12 And then he asked you if there were reasons why 13 you didn't disclose the dates that you were going to 14 be out, and you wrote, "To be totally transparent, I 15 am feeling pretty depressed and crappy and just didn't 16 care. It won't happen again. If I get docked pay, 17 whatever." 18 Can you tell me what this whole exchange has to 19 do with? 20 A. It was when I was on administrative leave and they 21 required that I be home and available Monday through 22 Friday. 23 Q. Okay. 24 A. He had the -- 25 Q. And this was when -- I'm sorry. I didn't mean to</p>	<p style="text-align: right;">291</p> <p>1 double fatality in September of the previous year. 2 Correct? 3 A. Correct. 4 Q. And you have a number of text messages about that, and 5 he tells you that "if you have an MSP property I can 6 grab it." 7 Do you recall having -- or receiving that letter 8 from Captain Engeldinger? 9 A. When he delivered it to me? 10 Q. Yes, ma'am. 11 A. Yes. 12 Q. And did you have any discussions at that time? 13 A. No. 14 Q. Okay. I had one question for you. So on the next 15 document there's this screen text here where it says, 16 "abducted by aliens or eaten by a grizzly," and it 17 looks like something is cut off here. 18 Do you know what is missing in this area? 19 A. I do, and I see that I've made a mistake here, because 20 it was -- he was asking me if I was going to make the 21 Louder -- Louder -- Loudermill hearing. If you would 22 like, I can -- I can get that screenshot and email it, 23 if you'd like me to do that. 24 Q. Yeah. When we're done today, if you could do that, 25 just so we have a complete record, that would be</p>
<p style="text-align: right;">290</p> <p>1 speak over you. 2 And this was when you were on administrative 3 leave in relation to the event that ultimately 4 resulted in your termination of employment, correct? 5 A. Correct. 6 Q. Okay. And Captain Engeldinger responded, "Thank you. 7 Please use the resources available. I'm always 8 available too. I do care and want the best for you." 9 Do you know what resources he's referring to? 10 Had you had a discussion with him about these 11 resources? 12 A. We might have had a discussion. I don't know what he 13 meant. 14 Q. Then on March 18th there is another message. "You can 15 disregard court next week. Thanks." 16 Do you have any recollection about what that 17 refers to? 18 A. No. 19 Q. Okay. Then on April 8, 2022, you exchange a number of 20 text messages with Captain Engeldinger where he tells 21 you that he needs to deliver paperwork to you today, 22 and this essentially is he's delivering to you the 23 paperwork related to the result of the investigation 24 about the misconduct that the State Patrol identified 25 for that incident involving the accident and the</p>	<p style="text-align: right;">292</p> <p>1 great. 2 A. Sure. That was my response to him asking if I was 3 coming to the meeting. 4 Q. Excellent. Thank you. 5 And then after that there's an exchange that you 6 have about expense reports and mileage and meals. I'm 7 assuming this relates to the Loudermill hearing and 8 showing up for that? 9 A. Correct. 10 Q. Okay. And then he indicates that he was emailing the 11 documents to you, and you indicated you'd send it to 12 your attorney, and he gives you the thumbs-up. 13 Other than that, were you able to locate any 14 other communication between you and Captain 15 Engeldinger? 16 A. This was the only communication from the list that was 17 emailed to me that existed on my phone. 18 Q. Okay. So to the extent that you thought that Captain 19 Engeldinger may have sent you a text message to inform 20 you about your deposition in February of 2023, you 21 don't -- it either never existed or you no longer have 22 a copy of that text message, correct? 23 A. Correct. 24 Q. Okay. Thank you. That's all that I have for this 25 document.</p>

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<p style="text-align: right;">293</p> <p>1 I also wanted to show you one of the exhibits</p> <p>2 that we had looked at during the last -- your last</p> <p>3 deposition in December, and that was what had been</p> <p>4 identified previously as Exhibit 3. It was a series</p> <p>5 of pictures. So I'm going to put that back up on my</p> <p>6 screen as well. Okay?</p> <p>7 A. Okay.</p> <p>8 Q. All right. And, ma'am, can you see -- I know the</p> <p>9 picture is not great right now, but let me see if I</p> <p>10 can -- how's that? Can you see the picture okay?</p> <p>11 A. Yes.</p> <p>12 Q. All right. So what I'm going to do at this point is</p> <p>13 I want to go through -- there's 20 pictures here, and</p> <p>14 I just would like you to be able to tell me whether or</p> <p>15 not you were the individual who provided -- or who</p> <p>16 took or uploaded the picture or image that is in each</p> <p>17 of these pictures. Okay?</p> <p>18 A. Okay.</p> <p>19 Q. And, I'm sorry, I'm going between a couple of</p> <p>20 different things on my own side.</p> <p>21 All right. So we have this first exhibit in</p> <p>22 Exhibit 3, photo 1. Was this a photo that you took?</p> <p>23 A. And is this from the -- this is from the grouping of</p> <p>24 photos that was sent to Carol?</p> <p>25 Q. Is that Carolyn Cole? Ms. Cole?</p>	<p style="text-align: right;">295</p> <p>1 Q. Okay. Photo 8?</p> <p>2 A. I don't know.</p> <p>3 Q. Photo 9 appears to be somebody else's photo. Do you</p> <p>4 know if you're the one who posted this to the</p> <p>5 Google -- Google photo album?</p> <p>6 A. I don't know if I was or not.</p> <p>7 Q. Okay. Photo 10. Do you need me to flip this, or are</p> <p>8 you okay?</p> <p>9 A. I'm fine. I can see.</p> <p>10 Q. Okay.</p> <p>11 A. That was my photo that I did upload.</p> <p>12 Q. Okay. And then photo 11, same question.</p> <p>13 A. Correct.</p> <p>14 Q. All right. And so "correct" means this is one of your</p> <p>15 photos?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Photo 12?</p> <p>18 A. I believe this might have been one of my photos.</p> <p>19 Again, without seeing the files with my name on it, I</p> <p>20 can't be a hundred percent sure.</p> <p>21 Q. Okay. And I'll tell you that -- I'll represent to you</p> <p>22 that in your last deposition looking at this photo it</p> <p>23 had your name on it and you indicated that it was</p> <p>24 likely you who loaded it to the Google drive. So I'm</p> <p>25 just telling you that because I'm not trying to trick</p>
<p style="text-align: right;">294</p> <p>1 A. Yes. Excuse me. I'm sorry. To Carolyn.</p> <p>2 Q. Yeah, this is -- this is one of the docs -- or one of</p> <p>3 the photos that you sent to Ms. Cole. I think there</p> <p>4 was something like 600-something files. This is one</p> <p>5 of the ones that you sent.</p> <p>6 A. I don't know if I took it or not. I'd have to see if</p> <p>7 it had my name on it or not. I don't remember or</p> <p>8 recall the exact photos that I took.</p> <p>9 Q. And that's fair enough, and that's a fine answer for</p> <p>10 this.</p> <p>11 So I want to show you Exhibit 2 -- or, I'm sorry,</p> <p>12 photo 2 of Exhibit 3. Same question as to this photo.</p> <p>13 A. Same answer. I don't know.</p> <p>14 Q. Okay. Photo 3?</p> <p>15 A. I don't know.</p> <p>16 Q. Photo 4?</p> <p>17 A. I assume since I'm in it I didn't take it.</p> <p>18 Q. Okay. Photo 5. And I can try to spin it. Give me a</p> <p>19 second.</p> <p>20 A. I don't know.</p> <p>21 Q. Okay. Photo 6?</p> <p>22 A. I probably took that one. It looks like I'm holding</p> <p>23 up to the -- or holding onto a phone.</p> <p>24 Q. Okay. Photo 7. And let me flip it for you again.</p> <p>25 A. I don't know.</p>	<p style="text-align: right;">296</p> <p>1 you. I'm just trying to be thorough.</p> <p>2 A. That's good.</p> <p>3 Q. So this one, this appears to be kind of a screenshot</p> <p>4 that you took that would indicate who uploaded any of</p> <p>5 the photos, correct?</p> <p>6 A. Yes.</p> <p>7 Q. All right. And so to the extent on this photo 13</p> <p>8 it's got your name down here with that photo that we</p> <p>9 just looked at in photo 12, that would mean that</p> <p>10 you're the one who posted it, correct?</p> <p>11 A. Yes.</p> <p>12 Q. All right. Thank you.</p> <p>13 Photo 14 is also a screenshot that you took to</p> <p>14 show the names?</p> <p>15 A. Can you scroll further, please?</p> <p>16 And which one -- what -- what picture or image</p> <p>17 are you referencing right now?</p> <p>18 Q. Just this entire screenshot that we have here that</p> <p>19 says photo 14.</p> <p>20 A. Uh-huh.</p> <p>21 Q. I just want to confirm that this is a picture that</p> <p>22 would identify for these individual photos who the</p> <p>23 person was who took those photos. Is that correct?</p> <p>24 A. It indicates who uploaded the photos to the Google</p> <p>25 drive.</p>

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<p style="text-align: right;">297</p> <p>1 Q. That's a better answer than my bad question. Thank 2 you. Yes, who uploaded the photos to the Google 3 drive. 4 So, again, this photo, I'll represent to you that 5 you weren't the individual who uploaded it in the 6 photo above. So do you believe that this is a photo 7 or an image that you took or that you uploaded? 8 A. I know I didn't take it. I don't know if I uploaded 9 it or not. 10 Q. Okay. Fair enough. 11 Photo 16. Do you know if this is an image that 12 you uploaded? 13 A. I don't know if I uploaded that. I know I didn't take 14 it. 15 Q. Okay. Photo 17. Do you know if you took this photo? 16 A. I am in the photo, so... 17 Q. So the answer to that is no? 18 A. Correct. 19 Q. Okay. Photo 18. Do you know if this is a photo that 20 you took? 21 A. I do not. 22 Q. Okay. Photo 19. Do you know if this is a photo that 23 you took? 24 A. I did not take it. 25 Q. Okay. And photo 20. Do you know if this is a photo</p>	<p style="text-align: right;">299</p> <p>1 A. I don't know. I think it's situational. 2 Q. Okay. Fair enough. 3 As you sit here today, do you recall ever 4 deleting any photos from that deployment outside the 5 Fifth Precinct on May the 30th of 2020? 6 A. I don't recall either way. 7 Q. Okay. Ms. Johnson, what is the State Patrol policy 8 regarding the retention -- data retention of photos? 9 A. For evidence photos? 10 Q. Well, so let's start there. Is there a retention 11 policy for evidence photos? 12 A. I assume so. What my recollection is, is even if it's 13 blurry, it doesn't turn out, it stays, you don't 14 delete anything. 15 Q. Okay. Now, what about other photos, non-evidence 16 photos? Is there -- does the MS -- or the State 17 Patrol policy regarding data retention or photo 18 retention, does it apply to non-investigation 19 photographs? 20 A. I don't know. 21 Q. I want to ask you also: So the data retention policy, 22 what is that data retention policy as it relates to 23 emails that you send or receive from your State Patrol 24 account? 25 A. What is the policy of what I would have done within</p>
<p style="text-align: right;">298</p> <p>1 that you took? 2 A. It could be. I don't know. My phone is on the table. 3 Q. So probably not. 4 A. Probably not, no. 5 Q. Okay. Now, based on my review, it does not appear 6 that any of the pictures that were loaded onto the 7 album that you either -- that were indicated that they 8 were uploaded by you were pictures that were taken 9 that night of May the 30th, 2020, outside of the Fifth 10 Precinct. Would you say it's fair to say that you did 11 not take any photos that evening while you were 12 deployed outside the Fifth Precinct in Minneapolis on 13 that date? 14 A. Correct. 15 Q. And the reason for that is you were on duty, you were 16 holding your baton and other things, and you were more 17 prepared about the mission at that time as opposed to 18 taking pictures, correct? 19 A. Yes. 20 Q. And you wanted to focus on your own safety and the 21 safety of the other individuals around you, correct? 22 A. Yes. 23 Q. And taking pictures during that time would not allow 24 you to ensure the safety of yourself and others, 25 correct?</p>	<p style="text-align: right;">300</p> <p>1 email? 2 Q. Yeah, the retention of that, what you're supposed to 3 retain and what you're allowed to get rid of. 4 A. I don't know. 5 Q. Okay. And I believe you testified that you did not at 6 the time have a State-issued cell phone. Correct? 7 A. Correct. 8 Q. Now, did anyone ever give you any -- or do you know 9 if the policy applies to personal phones, as to any 10 information that is included in text messages on a 11 personal phone, whether you need to keep those for 12 purposes of data retention? 13 A. I don't know. 14 Q. Okay. Do you know how long documents need to be 15 retained if they do fall under that retention policy? 16 A. I don't know. 17 Q. Okay. Where would troopers keep documents or pictures 18 that related to a law enforcement matter? 19 A. I don't know. I can say where I would. 20 Q. Okay. Where did you keep them? Yeah. 21 A. Where would I keep evidentiary photos that would have 22 been taken? 23 Q. Yes, ma'am. 24 A. They either would have been kept on a disk, a 25 State-issued computer, a flash drive in the camera, a</p>

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<p style="text-align: right;">301</p> <p>1 flash drive -- you can -- it could have been put on a 2 flash -- a flash drive off of a computer too. 3 Q. Is there a drive or a shared drive on the State Patrol 4 network where it's expected that investigation 5 documents or pictures are kept? 6 A. Like the -- like a cloud or -- 7 Q. Yes, ma'am. Like, for example, in our office I have 8 an in-drive that multiple people in my division can 9 all access documents. Is there a similar type of 10 drive or a location at the State Patrol that you can 11 recall where troopers were expected to keep 12 investigatory documents? 13 A. Yes. 14 Q. And where was that? 15 A. That would be the L:drive. 16 Q. Okay. As you sit here today, do you have any emails, 17 pictures, or documents related to a law enforcement 18 investigation that are -- that is in your possession? 19 A. No. 20 Q. Now -- 21 A. You're speaking of criminal, correct? 22 Q. Correct, ma'am. Correct, criminal. 23 A. Nothing. No. 24 Q. Now, what about non-investigatory documents related to 25 your time at the State Patrol? Do you have any of</p>	<p style="text-align: right;">303</p> <p>1 A. Well, there's -- there's, you know, possibilities that 2 I could have forgotten to upload something or I 3 discovered something that needed to be uploaded or 4 added to a file. It's human error. So I would say 5 that there are times that I probably didn't in a 6 timely fashion upload something or maybe perhaps 7 completely forgot. 8 Q. Okay. But never intentionally -- 9 A. I don't know. 10 Q. But never intentionally withheld a document that was 11 investigatory from being loaded as part of a file, 12 correct? 13 A. No. Excuse me. Correct. Yes. 14 Q. Correct. 15 And just so that I'm clear, there could also be 16 situations where you are on duty where you're taking 17 photos of things that are non-investigatory, correct? 18 A. Like flowers with my -- 19 Q. Like flowers. 20 A. Maybe. I -- I don't know. It's possible. 21 Q. So I will tell you that one of the documents that I've 22 seen in this photo album is a picture of a rainbow 23 kind of going over one of the cars that had been 24 burned out as part of all of this that was going on. 25 Would you consider that to be an investigatory photo?</p>
<p style="text-align: right;">302</p> <p>1 those documents in your possession? 2 A. For example, from my personal -- like the workers' -- 3 my workers' comp case? Is that what you're talking 4 of? 5 Q. I would say documents -- what I'm referring to are 6 documents that you either created or received as part 7 of your official duties as a trooper with the 8 Minnesota State Patrol. 9 A. Do I still retain any of those documents on email or 10 text message? 11 Q. Correct, ma'am. 12 A. No. 13 Q. Okay. How did you make a determination about whether 14 you needed to retain a document for investigatory 15 purposes? 16 A. I -- our documents would have been uploaded and then 17 sent to the office, and it would have been taken care 18 of by the administrative support staff. 19 Q. So if you did not load a document or an email or a 20 picture in that manner, then you had made a 21 determination that that document was not related to a 22 law enforcement matter; is that correct? 23 A. No. 24 Q. Okay. So what did you make that determination based 25 on?</p>	<p style="text-align: right;">304</p> <p>1 A. Yes. 2 Q. Okay. And so that's something that you believe should 3 have been loaded to what file? Where would that have 4 gone for purposes of an investigation? 5 A. They would have been put into the L:drive, a 6 particular folder, whatever folder that it would have 7 gone into, whether it was a case file or something 8 else. 9 Q. And what would -- to your mind, what would be the law 10 enforcement purpose of taking and saving that photo? 11 A. The car with the rainbow? 12 Q. Yes, ma'am. 13 A. Well, I would think that if it was taken for evidence, 14 I mean, it shows a car burned up. 15 Q. Now, that's dependent on whether or not it was taken 16 for purposes of evidence, correct? 17 A. Yes. 18 Q. If there wasn't a formal investigation going on and 19 someone took that photo, there could be other reasons 20 that somebody took that photo, correct? 21 A. Yes. 22 Q. And if that were the case, if there were other reasons 23 why somebody took that photo, do you also think that 24 it should have been -- or it would need to be loaded 25 into the investigatory file?</p>

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<p style="text-align: right;">305</p> <p>1 A. I don't know.</p> <p>2 Q. Okay. Fair enough.</p> <p>3 Ms. Johnson, did you ever delete, destroy --</p> <p>4 delete or destroy any email, picture, or document that</p> <p>5 was related to a law enforcement action?</p> <p>6 A. I'm sure I did. Yes, I could say that.</p> <p>7 Q. And that was before something was loaded into the</p> <p>8 shared drive?</p> <p>9 A. I don't know. I just mean as your first question</p> <p>10 generally had I deleted something after it was</p> <p>11 uploaded or put in, I mean, I'm assuming, yes, I would</p> <p>12 have done that.</p> <p>13 Q. Okay. To your knowledge, did you ever delete or</p> <p>14 destroy something before it had been loaded to a</p> <p>15 formal investigatory file?</p> <p>16 A. When it should have been loaded to said file?</p> <p>17 Q. Yes, ma'am, when it was expected per policy that it be</p> <p>18 loaded to file.</p> <p>19 A. I don't recall if I ever did. If I did, it would have</p> <p>20 been certainly a mistake.</p> <p>21 Q. So at least intentionally you haven't done that?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. Now, ma'am, I want to ask you about some of</p> <p>24 your employment history and performance history in</p> <p>25 here, and I don't want to belabor the point. I just</p>	<p style="text-align: right;">307</p> <p>1 with State Patrol policies and procedures?</p> <p>2 A. It is a maneuver that you would perform where you</p> <p>3 would -- the left front quarter panel of your squad,</p> <p>4 so the driver's side front quarter panel, lines up</p> <p>5 with the rear right quarter panel of whatever vehicle</p> <p>6 you're in pursuit with. You gently touch it, turn</p> <p>7 your wheel a quarter turn, accelerate. It causes the</p> <p>8 vehicle to spin, the fuel pump disengages, and it</p> <p>9 can't go anymore.</p> <p>10 Q. Thank you.</p> <p>11 So this incident involved a Winnebago that you</p> <p>12 were pursuing at the time. Do you recall that?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And my understanding is that the discipline</p> <p>15 was related to the fact that you engaged in this PIT</p> <p>16 maneuver at a speed in excess of 40 miles per hour.</p> <p>17 Is that your recollection?</p> <p>18 A. That's what the Internal Affairs investigator</p> <p>19 determined, I guess you could say.</p> <p>20 Q. Okay. Do you think that you were going less than</p> <p>21 40 miles per hour at the time?</p> <p>22 A. Not less than 40 miles an hour, no. I did not look at</p> <p>23 my speedometer.</p> <p>24 Q. Okay.</p> <p>25 A. So I didn't know, if that was the question.</p>
<p style="text-align: right;">306</p> <p>1 want to try to get some facts down for the record so</p> <p>2 that there wouldn't be a point somewhere in the future</p> <p>3 we'd have to ask you to come back, because I know</p> <p>4 you've spent three days with us now at this point and</p> <p>5 I'd try to -- I'd like to make this try to be the last</p> <p>6 time that we do that with you. Okay?</p> <p>7 A. Okay.</p> <p>8 Q. So, Ms. Johnson, it's my understanding that you were</p> <p>9 disciplined in September of 2018 for executing a</p> <p>10 dangerous PIT maneuver. Do you recall that situation?</p> <p>11 A. That's when I was disciplined? That was the date I</p> <p>12 was disciplined, not the date of the event?</p> <p>13 Q. Yes, ma'am, that was the date that you were</p> <p>14 disciplined.</p> <p>15 A. Okay. Yeah, I do believe I remember that. With the</p> <p>16 Winnebago?</p> <p>17 Q. Yes, ma'am. That was going to be my next question.</p> <p>18 So, first of all, actually, I was going to ask a</p> <p>19 clarifying question. So I mentioned a PIT maneuver.</p> <p>20 A. Um-hmm.</p> <p>21 Q. Just so the record is clear, can you explain what a</p> <p>22 PIT maneuver is?</p> <p>23 A. It's a pursuit intervention technique.</p> <p>24 Q. Okay. And what does that -- what does that entail or</p> <p>25 what does that mean for a layperson who's not familiar</p>	<p style="text-align: right;">308</p> <p>1 Q. And you had been spoken to at least once before in</p> <p>2 2015 for also engaging in a PIT maneuver in excess of</p> <p>3 40 miles per hour; is that correct?</p> <p>4 A. That one was above 40 miles an hour, yeah.</p> <p>5 Q. As you sit here today, do you still think that it's</p> <p>6 possible that you weren't going above 40 miles an hour</p> <p>7 when you PIT'ed the Winnebago?</p> <p>8 A. Well, the policy -- if you're getting at if I was out</p> <p>9 of policy, the policy doesn't state that if you're</p> <p>10 above 40 miles an hour that you're -- that that is a</p> <p>11 policy violation.</p> <p>12 So I don't know how fast I was going when I</p> <p>13 was -- when I PIT the Winnebago. That -- again, that</p> <p>14 was the -- that was what was in question for the</p> <p>15 Internal Affairs. So I don't know what -- what speed</p> <p>16 I was going at because I didn't look at my</p> <p>17 speedometer.</p> <p>18 Q. Now, in your last deposition you had mentioned a</p> <p>19 situation about speaking up and being told that you</p> <p>20 shouldn't speak up during an Internal Affairs</p> <p>21 investigation. Was this that investigation where that</p> <p>22 was what you were told?</p> <p>23 A. Um-hmm. Well, I was -- I was told that I probably</p> <p>24 shouldn't speak my mind after the -- after the</p> <p>25 investigation meeting or however -- whatever it's</p>

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<p style="text-align: right;">309</p> <p>1 called.</p> <p>2 Q. Okay. And what was it about speaking your mind was</p> <p>3 your understanding that was being criticized in that</p> <p>4 situation?</p> <p>5 A. Well, after the fact I was told that it was</p> <p>6 insubordinate and unprofessional. So that's what</p> <p>7 their view was.</p> <p>8 Q. Now, per policy you were found that your use of force</p> <p>9 in this situation -- well, just so that I'm clear,</p> <p>10 what happened when you PIT'ed the Winnebago?</p> <p>11 A. The -- I PIT the Winnebago. It was -- from what I</p> <p>12 recall, the Winnebago spun, which is normal, and my --</p> <p>13 my guess would be that he overcorrected, causing</p> <p>14 his -- causing the -- or something caused it to roll,</p> <p>15 whether he overcorrected or it drove into the ditch</p> <p>16 and it rolled.</p> <p>17 Q. And was he ejected from the Winnebago as part of that</p> <p>18 crash?</p> <p>19 A. That's a fair way to describe it.</p> <p>20 Q. Okay. And as part of this, it was determined that</p> <p>21 engaging in a PIT maneuver above 40 miles per hour in</p> <p>22 this situation could have been identified as a use of</p> <p>23 deadly force because of how this could have impacted</p> <p>24 the driver, correct?</p> <p>25 A. I think that's what I was told.</p>	<p style="text-align: right;">311</p> <p>1 in -- let me get my dates correct -- March of 2019</p> <p>2 where you received a letter of reprimand arising out</p> <p>3 of an incident where a member of the public complained</p> <p>4 that you were unprofessional with them when you gave</p> <p>5 them a ticket, specifically that you were rude to them</p> <p>6 and that you flipped them off, gave them the double</p> <p>7 birds after they were leaving. Do you recall this</p> <p>8 incident?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 A. It was like this (gesturing).</p> <p>12 Q. Okay. And I want to show you what's been marked as</p> <p>13 Exhibit 12. Let me know if you can see it.</p> <p>14 Do you see it now?</p> <p>15 A. Um-hmm.</p> <p>16 Q. I'm sorry. Is that a yes?</p> <p>17 A. Yes. Sorry.</p> <p>18 Q. Okay. And so this is a Formal Complaint of Alleged</p> <p>19 Employee Misconduct. The name of the complainant is</p> <p>20 Captain Jason Engeldinger.</p> <p>21 Do you know why Captain Engeldinger would have</p> <p>22 been the complainant in this matter?</p> <p>23 A. No.</p> <p>24 Q. Okay. And so it's talking about this incident that</p> <p>25 occurred on 3/16/2019, and just so that I'm clear,</p>
<p style="text-align: right;">310</p> <p>1 Q. Okay. And the result of this investigation resulted</p> <p>2 in a five-day suspension. Does that refresh your</p> <p>3 recollection, or does that sound correct to you?</p> <p>4 A. I think so.</p> <p>5 Q. Okay. And I want to show you -- that's really odd.</p> <p>6 I want to show you what's been marked as</p> <p>7 Exhibit 11. Ms. Johnson, can you see this document?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And this looks to be a letter dated</p> <p>10 October 25th, 2018, to you from Lieutenant Colonel</p> <p>11 Rochelle Schrofer; is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. And this is informing you that as a result of the</p> <p>14 investigation you were receiving a five-day unpaid</p> <p>15 suspension for various General Order violations,</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. Now, it gives you the opportunity or it gave you the</p> <p>19 opportunity to appeal this or to grieve it pursuant to</p> <p>20 your collective bargaining agreement. Did you do so</p> <p>21 in this case?</p> <p>22 A. No.</p> <p>23 Q. Okay. And so you served the five-day suspension?</p> <p>24 A. Yes.</p> <p>25 Q. All right. Now, also I believe there was a situation</p>	<p style="text-align: right;">312</p> <p>1 take a look at this and just let me know if this is</p> <p>2 your understanding of what the allegations against you</p> <p>3 were. And when you're done with this page, let me</p> <p>4 know because it goes into the next page.</p> <p>5 A. Okay.</p> <p>6 Q. Oh, I'm sorry.</p> <p>7 A. You can keep going.</p> <p>8 Okay.</p> <p>9 Q. And then we've got some information, the types of</p> <p>10 employee conduct, and then the complaint is signed by</p> <p>11 Captain Engeldinger. Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And you would have received a copy of this</p> <p>14 document at the time, correct?</p> <p>15 A. I -- I don't know.</p> <p>16 Q. Okay.</p> <p>17 A. I don't recall ever seeing the letter from the person,</p> <p>18 but I might have.</p> <p>19 Q. Okay. So then as a result of this, you received a</p> <p>20 letter of reprimand, correct?</p> <p>21 A. I think so.</p> <p>22 Q. Okay. And just so that we have our record clear, can</p> <p>23 you see the document here?</p> <p>24 A. Um-hmm. Yes.</p> <p>25 Q. Okay. And this is -- we've marked as Exhibit 13.</p>

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<p style="text-align: right;">313</p> <p>1 It's dated May 28, 2019. It's from Captain Jason 2 Engeldinger, and it states that -- it's a written 3 memorandum for violations of the General Orders 4 outlined in the statement of charges dated May 20th, 5 2019. 6 Does this refresh your recollection about whether 7 you received a written reprimand -- or a letter of 8 reprimand? 9 A. Yes. 10 Q. And you're told that a copy of this will be placed in 11 your human resources personnel file and then provided 12 no further disciplinary action is taken against you 13 for a period of two years from the date of the letter 14 you may make a written request to human resources that 15 it be removed from your file. 16 Did I read that correctly? 17 A. Yes. 18 Q. Okay. But it stayed in your file because in fact you 19 had more discipline that occurred in 2020, correct? 20 A. Oh, I'm sure I have -- 21 Q. Okay. 22 A. -- several letters and disciplinary action. 23 Q. Now, in October of 2019 there was another complaint 24 that was filed against you related to a traffic stop 25 and your use of force. Do you recall that situation?</p>	<p style="text-align: right;">315</p> <p>1 Q. Okay. To the extent that leadership and Internal 2 Affairs investigators found that this led to the 3 escalation in the stop, you don't have any reason to 4 dispute that, correct? 5 A. No. 6 Q. And, in fact, the motorist took offense with it and 7 started to complain to you about the way that you were 8 speaking to her, correct? 9 A. Possibly. I don't remember verbatim how it went. I 10 mean, this is years ago. 11 Q. Fair enough. 12 Do you recall opening the door and yelling at the 13 driver to get out of the fucking car? 14 A. At one point, yes, I do. 15 Q. Okay. And do you remember grabbing the motorist by 16 her hair and her arm and attempting to pull her out of 17 the car? 18 A. Yes. 19 Q. Do you recall threatening the driver with using your 20 Taser on her? 21 A. I remember telling her, "I don't want to Tase you. 22 Get out of the car," and displaying my Taser, as 23 that's going to be a minimal level of force with the 24 Taser, just showing it, not threatening. I think that 25 verbiage is wrong.</p>
<p style="text-align: right;">314</p> <p>1 A. Which one is that? 2 Q. The incident where you pulled the woman out of the 3 squad by her hair? 4 A. I remember that. 5 Q. Okay. Can you tell us what happened in that 6 situation? 7 A. The -- it was a traffic stop initiated as she failed 8 to move over when I was on another traffic stop and 9 she almost rear-ended me. So I located the vehicle, 10 stopped her. She didn't stop. She continued to 11 drive. She pulled over. She pulled back into 12 traffic. She continued to drive, finally stopping. 13 It was clear that she was impaired. She refused 14 to get out of the vehicle, she didn't comply, and I 15 removed her from the vehicle. 16 Q. Now, my understanding is that when you first pulled 17 her over you told her -- or you stated to her, "What's 18 the issue with paying attention today?" Does that 19 sound correct? 20 A. Maybe. 21 Q. Okay. And is that the proper way to initiate a stop? 22 A. Are you asking me or -- 23 Q. Yes, ma'am, I'm asking you. Is that an appropriate 24 way to initiate a stop? 25 A. I think that's -- I think that's subjective.</p>	<p style="text-align: right;">316</p> <p>1 Q. Now, do -- you arrested this individual, correct? 2 A. Yes. 3 Q. And according to the report, you never told this 4 individual why you were placing her under arrest. Why 5 was -- why did you not tell her that you didn't -- why 6 did you not tell her the reasons you were placing her 7 under arrest? 8 A. I don't know. 9 Q. Now, it also states that you forced a blood test on 10 this individual when the arrestee consented to a urine 11 test. Why did you do that? 12 A. There was -- without reading my report, I don't recall 13 where this DWI fell in with the change of the laws 14 with the warrants and the blood draws and what have 15 you. So it had -- they had changed the laws. At 16 first it was you could get -- you had a warrant, you 17 could draw blood. Then it changed. I don't know if 18 that had something to do with it or if just because 19 they say they want a urine test doesn't mean they get 20 a urine test. 21 Q. Okay. 22 A. Different drugs are -- are detected differently 23 dependent on what type of test you're doing and what 24 have you. So there's many different reasons why it 25 could have been like that.</p>

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<p style="text-align: right;">317</p> <p>1 Q. Okay. I want to show you what's been marked as</p> <p>2 Exhibit 14, and I'll represent to you that this is the</p> <p>3 formal complaint related to this incident, this</p> <p>4 traffic stop on October the 28th, 2019, at 1700 hours,</p> <p>5 and I'm going to ask the same thing as I asked the</p> <p>6 last time. Just take a look and read through what's</p> <p>7 here and just confirm for me that this is the incident</p> <p>8 that we were speaking about and let me know when I</p> <p>9 need to scroll.</p> <p>10 A. Okay. Okay. Okay.</p> <p>11 Q. And it appears to be signed by Captain Engeldinger on</p> <p>12 November 5th, 2019.</p> <p>13 Do you recall what the result of this</p> <p>14 investigation was? Were you found in violation of</p> <p>15 anything?</p> <p>16 A. I'm sure I was found in violation of all the GOs that</p> <p>17 are listed there, but I was put in the office while</p> <p>18 the Internal Affairs investigation went on.</p> <p>19 Q. Okay. So you were found in violation of the</p> <p>20 use-of-force policy?</p> <p>21 A. Is that what's -- is that -- is that listed on there?</p> <p>22 Q. Sure. I can show you. Sure. If you -- if it will be</p> <p>23 helpful, I can show you again.</p> <p>24 So here are the policy violations that they were</p> <p>25 looking into.</p>	<p style="text-align: right;">319</p> <p>1 that were held in abeyance?</p> <p>2 A. I don't believe I did.</p> <p>3 Q. Okay. Now, it also states that you would be required</p> <p>4 to complete a professional development curriculum</p> <p>5 which would be coordinated by the agency. Do you</p> <p>6 recall completing a professional development</p> <p>7 curriculum?</p> <p>8 A. Yes.</p> <p>9 Q. And it says that you will also be restricted from</p> <p>10 performing DT -- is that defensive tactics?</p> <p>11 A. Correct.</p> <p>12 Q. -- instructor duties for a period of two years from</p> <p>13 this date. And did that occur?</p> <p>14 A. I quit doing DT at that time, yes.</p> <p>15 Q. Okay. Now, who did you do the professional</p> <p>16 development training with?</p> <p>17 A. Some lady in the Cities.</p> <p>18 Q. Okay.</p> <p>19 A. I don't know who.</p> <p>20 Q. Does the name Dr. Laura Pendergast -- does that ring a</p> <p>21 bell for you?</p> <p>22 A. Yeah.</p> <p>23 Q. And was some of that to help with stresses that you</p> <p>24 were dealing with as a trooper and in your personal</p> <p>25 life?</p>
<p style="text-align: right;">318</p> <p>1 A. Okay. Yeah.</p> <p>2 Q. Use of force, the core values, conduct-sworn members.</p> <p>3 Driving while impaired. Do you know if that was</p> <p>4 substantiated as far as --</p> <p>5 A. I don't know.</p> <p>6 Q. Okay.</p> <p>7 A. I don't know. Honestly, I mean, we -- we can go</p> <p>8 through my whole entire file. It's obvious I got</p> <p>9 myself jammed up a few times.</p> <p>10 Q. Okay. And then just to close the loop on some of</p> <p>11 this, I want to show you what's been marked as</p> <p>12 Exhibit 15, and this is a Disciplinary Action - Notice</p> <p>13 of Suspension from February 20th, 2020, from</p> <p>14 Lieutenant Colonel Rochelle Schrofer. Do you recall</p> <p>15 receiving this?</p> <p>16 A. Yes.</p> <p>17 Q. And it looks like you got a couple things here. One</p> <p>18 is a two-day suspension -- unpaid suspension that</p> <p>19 would be served on February 24th and 25th. Do you</p> <p>20 recall that?</p> <p>21 A. Yes.</p> <p>22 Q. And then there was five days held in abeyance provided</p> <p>23 no same or similar conduct occurs for a period of two</p> <p>24 years from this date.</p> <p>25 Do you recall, did you ever serve those five days</p>	<p style="text-align: right;">320</p> <p>1 A. Yeah, I think so.</p> <p>2 Q. Okay. And around that time you wrote a letter to</p> <p>3 Captain Engeldinger and asked him if you could</p> <p>4 transfer out of your location, correct?</p> <p>5 A. Maybe. Honestly, I -- I think so, yeah.</p> <p>6 Q. Okay. This was about the time that you were going</p> <p>7 through a divorce with your ex-husband, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And he is an Itasca County sheriff?</p> <p>10 A. No.</p> <p>11 Q. Oh, he was at the time?</p> <p>12 A. Correct.</p> <p>13 Q. Okay. He was at the time. And there was -- it was</p> <p>14 stressful for you because you would work with local</p> <p>15 law enforcement in your role as State Patrol, correct?</p> <p>16 A. Well, that's not why it was stressful, but --</p> <p>17 Q. Okay.</p> <p>18 A. He was at the time.</p> <p>19 Q. I imagine that the divorce in general was stressful,</p> <p>20 but I would -- correct me if I'm wrong, but part of</p> <p>21 the concern was, if you don't have to deal with your</p> <p>22 ex-husband, it would be great to not have to deal with</p> <p>23 him in any way, shape, or form. Is that fair?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And you talked with the State Patrol about</p>

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<p style="text-align: right;">321</p> <p>1 this, correct?</p> <p>2 A. About transferring out?</p> <p>3 Q. About transferring out and just kind of the general</p> <p>4 challenges that you were having in your personal life</p> <p>5 at this time.</p> <p>6 A. Yes.</p> <p>7 Q. And how did they respond to that?</p> <p>8 A. I don't recall specifically, but I believe they were</p> <p>9 empathetic to it.</p> <p>10 Q. Okay. So the last incident that I'd like to talk</p> <p>11 about is the one that we've mentioned before, so I</p> <p>12 don't think we need to spend a lot of time on it, but</p> <p>13 it's the incident that involved your ultimate</p> <p>14 termination from employment with the State Patrol.</p> <p>15 And so I think you testified earlier that this</p> <p>16 whole incident started when you responded to the scene</p> <p>17 of a fatal accident, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Now, I want to show you what's been marked as</p> <p>20 Exhibit 16. So give me just a second to pull that one</p> <p>21 up.</p> <p>22 And this is a formal complaint that is dated</p> <p>23 November 1st, 2021; July 19th, 2021; and July 12th of</p> <p>24 2021. And specifically it relates to a number of</p> <p>25 occasions where you failed to report to court notices</p>	<p style="text-align: right;">323</p> <p>1 A. I don't think I was ever in court for that.</p> <p>2 Q. Okay. Do you recall ever receiving a request from the</p> <p>3 Itasca County Attorney to attend court as it related</p> <p>4 to that?</p> <p>5 A. No. I have no reason to not be there. And, in fact,</p> <p>6 this surprises me quite a bit because I -- I'd like</p> <p>7 to get a copy of that. Is that something that I can</p> <p>8 contact them, or is it something I can get with you?</p> <p>9 Q. We can get you a copy of this when we're done today.</p> <p>10 That's no problem.</p> <p>11 A. That would be nice. Thank you.</p> <p>12 Q. So with the termination situation, you arrived at the</p> <p>13 scene on June the 8th, you took photos of the scene</p> <p>14 using a State-issued camera, correct?</p> <p>15 A. On the 8th.</p> <p>16 Q. When you first got there. On the 8th, yes, ma'am.</p> <p>17 A. When I first got there.</p> <p>18 Q. And then you went to the -- you left the scene, and</p> <p>19 you went to the hospital to interview the driver,</p> <p>20 correct?</p> <p>21 A. Correct.</p> <p>22 Q. And then you returned to the scene afterwards, and at</p> <p>23 the time you did not have a State Patrol camera, and</p> <p>24 instead you took pictures of the location with your</p> <p>25 personal phone, correct?</p>
<p style="text-align: right;">322</p> <p>1 by the Itasca County Attorney Matti Adam.</p> <p>2 Do you recall that?</p> <p>3 A. No.</p> <p>4 Q. Okay.</p> <p>5 A. But if it's there, it happened.</p> <p>6 Q. Do you happen to remember why it was that you were not</p> <p>7 showing up for court as requested?</p> <p>8 A. Honestly, I am looking at --</p> <p>9 Q. I can go down further, if that's helpful for you.</p> <p>10 A. Okay. Yeah.</p> <p>11 Honestly, I have no idea what this is. I don't</p> <p>12 recall missing court.</p> <p>13 Q. So you don't recall --</p> <p>14 A. I don't know if there's -- I mean, if I had to be</p> <p>15 verbally reprimanded for missing court, because</p> <p>16 missing court is a big deal, you'd think that that</p> <p>17 would be in my file too.</p> <p>18 Q. So do you recall ever appearing in court as it related</p> <p>19 to the fatal accident that occurred in July of 2021?</p> <p>20 A. Are you talking June?</p> <p>21 Q. I'm sorry. June of 2021. I'm sorry, ma'am. June of</p> <p>22 2021.</p> <p>23 A. So you're wondering if I -- June of 2021, so June 8th,</p> <p>24 the crash involving the ambulance?</p> <p>25 Q. Yes, ma'am.</p>	<p style="text-align: right;">324</p> <p>1 A. I didn't have my State-issued camera as I had lent it</p> <p>2 to the crash reconstructionist on scene, and that is</p> <p>3 why I used my personal phone.</p> <p>4 Q. Okay. And so you believe -- you were taking these</p> <p>5 photos for purposes of gathering evidence for the</p> <p>6 investigation, correct?</p> <p>7 A. Correct.</p> <p>8 Q. All right. But for whatever reason, maybe an</p> <p>9 oversight, whatever it happened to be, you didn't load</p> <p>10 this into the L:drive at that time, correct?</p> <p>11 A. My -- three days after that crash my cousin was killed</p> <p>12 in a skydiving accident and the bottom was falling out</p> <p>13 of my world, and I failed to upload those photos to</p> <p>14 the folder.</p> <p>15 Q. Okay.</p> <p>16 A. I'm sure a reasonable person -- a reasonable person</p> <p>17 can see why.</p> <p>18 Q. Yeah.</p> <p>19 Now, in June or July of that year, you also</p> <p>20 shared some of those photos with the wife of the</p> <p>21 victim of the crash, correct?</p> <p>22 A. No, not the wife. Husband.</p> <p>23 Q. With the husband of the victim. Okay. And --</p> <p>24 A. Which victim are -- let's -- I'm sorry. Let's back</p> <p>25 up. Which victim are you -- are you referring to?</p>

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<p style="text-align: right;">325</p> <p>1 Q. So -- that's fair.</p> <p>2 So there were two victims, correct?</p> <p>3 A. There were two deceased and one pretty significantly</p> <p>4 injured. So the driver was significantly injured, and</p> <p>5 the paramedic and the patient in the back were killed.</p> <p>6 Q. Okay. So for our record, who did you share the</p> <p>7 information -- or the photos with?</p> <p>8 A. With the husband of the driver.</p> <p>9 Q. Okay.</p> <p>10 A. And with the mother of the driver.</p> <p>11 Q. And this was while the investigation was pending,</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. And you knew at this time that this was a violation of</p> <p>15 policy, correct?</p> <p>16 A. If you asked me at the time, I would say yes.</p> <p>17 Q. And also these are the same photos that had not yet</p> <p>18 been loaded to the investigatory file, correct?</p> <p>19 A. Correct.</p> <p>20 Q. And it was determined that you violated the policy</p> <p>21 about information gathered during an investigation,</p> <p>22 correct?</p> <p>23 A. If that's what it says there, then that's the General</p> <p>24 Order I violated.</p> <p>25 Q. Okay. And no reason to dispute that you were found to</p>	<p style="text-align: right;">327</p> <p>1 turn it over to Greta at this point.</p> <p>2 Does that sound okay?</p> <p>3 THE WITNESS: Very good. Yes.</p> <p>4 MR. WEINER: All right. Sounds good.</p> <p>5 VIDEOGRAPHER: Going off the video</p> <p>6 record. It is 3:00 p.m.</p> <p>7 (From 3:00 p.m. to 3:07 p.m. a recess was taken.)</p> <p>8 VIDEOGRAPHER: This is File 7. We're</p> <p>9 back on the record. It is 3:07 p.m.</p> <p>10 MR. WEINER: Hello, Ms. Johnson. Thank</p> <p>11 you again for your time today. I don't have any more</p> <p>12 questions at this time. I may have a couple</p> <p>13 follow-ups after Ms. Wiessner is done with you, but</p> <p>14 other than that, thank you. I appreciate all of your</p> <p>15 answers and your time with us today.</p> <p>16 THE WITNESS: You're welcome.</p> <p>17 FURTHER EXAMINATION</p> <p>18 BY MS. WIESSNER:</p> <p>19 Q. Okay. Ms. Johnson, I have a few follow-up questions.</p> <p>20 Thank you again for your time and for being here</p> <p>21 today.</p> <p>22 Do you recall in the last session of your</p> <p>23 deposition in December Mr. Weiner asking you questions</p> <p>24 about a statement that you gave that formed the basis</p> <p>25 of your PTSD disability claim?</p>
<p style="text-align: right;">326</p> <p>1 have violated the policy about criminal investigative</p> <p>2 data?</p> <p>3 A. No reason to dispute that, no.</p> <p>4 Q. No reason to dispute that you used a personal --</p> <p>5 that they found a violation of the General Order</p> <p>6 prohibiting the use of a personal phone to document a</p> <p>7 crime scene?</p> <p>8 A. Yes.</p> <p>9 Q. And no dispute that they found that you violated the</p> <p>10 policy regarding a claim against the State of</p> <p>11 Minnesota or its agencies when you said that the</p> <p>12 photos would have benefited the driver's defense?</p> <p>13 A. Are you -- you're asking that there's no dispute with</p> <p>14 that statement?</p> <p>15 Q. Dispute that that's what they found.</p> <p>16 A. Correct.</p> <p>17 Q. And finally, no dispute that they found that you</p> <p>18 violated the duty about integrity and impartiality for</p> <p>19 troopers?</p> <p>20 A. Correct.</p> <p>21 MR. WEINER: Okay. We've been going</p> <p>22 about an hour. I don't know that I have anything else</p> <p>23 for you, but let's take a five-minute break or so.</p> <p>24 I'll see if there's anything else that I want to ask.</p> <p>25 And if not, then I'll stop asking questions, and I'll</p>	<p style="text-align: right;">328</p> <p>1 A. Can you -- can you tell me -- or ask me that one more</p> <p>2 time?</p> <p>3 Q. Sure. Do you recall when we were together in</p> <p>4 December --</p> <p>5 A. Yes.</p> <p>6 Q. -- Mr. Weiner asking you questions and reading from a</p> <p>7 document that was a statement from you that formed the</p> <p>8 basis of your PTSD disability claim?</p> <p>9 A. Yes.</p> <p>10 Q. And that document was filed as part of a workers'</p> <p>11 compensation proceeding, correct?</p> <p>12 A. Yes.</p> <p>13 Q. And we discussed in your last deposition that you're</p> <p>14 represented for purposes of that proceeding, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And is that claim or proceeding still ongoing as of</p> <p>17 today?</p> <p>18 A. Yes.</p> <p>19 Q. To the best of your knowledge, did your PTSD attorney</p> <p>20 consent to Mr. Weiner asking you questions about your</p> <p>21 ongoing PTSD claim outside of his presence?</p> <p>22 A. Your question is, is did my attorney say -- like give</p> <p>23 the thumbs-up for any questioning about my PTSD case.</p> <p>24 Q. Yes.</p> <p>25 A. He didn't give me any advice or anything in reference</p>

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<p style="text-align: right;">329</p> <p>1 to this case, but recommended that it -- because it's</p> <p>2 an ongoing case, that it -- I don't answer questions</p> <p>3 about it.</p> <p>4 Q. So your attorney for purposes of your PTSD claim</p> <p>5 recommended that you not answer questions about your</p> <p>6 PTSD disability proceeding. Is that what I'm to</p> <p>7 understand?</p> <p>8 A. That -- that would be a fair statement, yeah.</p> <p>9 Q. Is it fair to infer then that he did not give anyone</p> <p>10 permission to ask you questions about that proceeding</p> <p>11 without him here, right?</p> <p>12 MR. WEINER: Objection, calls for</p> <p>13 speculation.</p> <p>14 A. He -- well, I mean, I guess the conversation was</p> <p>15 pretty -- it was very brief as he was pretty adamant</p> <p>16 about this was not his area of expertise and he wasn't</p> <p>17 representing me within this case, but, again, just</p> <p>18 recommended that I don't answer any questions in</p> <p>19 regards to that current case.</p> <p>20 BY MS. WIESSNER:</p> <p>21 Q. Did you give Mr. Weiner access to your disciplinary</p> <p>22 file and history, including the documents he asked you</p> <p>23 about today?</p> <p>24 A. I don't believe so.</p> <p>25 Q. Did you give him permission to ask you questions about</p>	<p style="text-align: right;">331</p> <p>1 MR. WEINER: Objection, vague.</p> <p>2 She can answer.</p> <p>3 A. Not that I recall.</p> <p>4 BY MS. WIESSNER:</p> <p>5 Q. Were you ever afraid of a journalist or a member of</p> <p>6 the media during the George Floyd operation period?</p> <p>7 A. Not that I recall.</p> <p>8 Q. To the best of your knowledge, was anyone injured or</p> <p>9 assaulted by a journalist or a member of the media</p> <p>10 during the George Floyd operation period?</p> <p>11 A. Not that I recall.</p> <p>12 Q. To the best of your knowledge, no members of the State</p> <p>13 Patrol were injured by journalists?</p> <p>14 A. Correct.</p> <p>15 Q. You told Mr. Weiner during the last session that you</p> <p>16 can't recall if Colonel Langer used the word "delete"</p> <p>17 when he was directing members of the State Patrol to</p> <p>18 delete data from the George Floyd operation period.</p> <p>19 Do you recall that testimony?</p> <p>20 MR. WEINER: Objection, misstates the</p> <p>21 testimony. And I don't know how you could have a</p> <p>22 statement that says that she didn't use the word -- he</p> <p>23 didn't use the word "delete" when he was telling</p> <p>24 people to delete things --</p> <p>25 MS. WIESSNER: Mr. Weiner, if you</p>
<p style="text-align: right;">330</p> <p>1 your disciplinary history and your disciplinary file</p> <p>2 from the State Patrol?</p> <p>3 A. No.</p> <p>4 Q. You witnessed a lot of violence during the George</p> <p>5 Floyd operation as a state trooper, right?</p> <p>6 A. Yes.</p> <p>7 Q. And you discussed some of those experiences in your</p> <p>8 deposition in December. Do you remember that?</p> <p>9 A. Yes.</p> <p>10 Q. You also mentioned that you saw a lot of reporters or</p> <p>11 journalists during the George Floyd operation, right?</p> <p>12 A. Yes.</p> <p>13 Q. Did you ever see a journalist or member of the media</p> <p>14 behaving violently during the George Floyd operation?</p> <p>15 A. Not that I recall.</p> <p>16 Q. Did you recall seeing a reporter or journalist</p> <p>17 throwing things?</p> <p>18 A. Not that I recall.</p> <p>19 Q. Do you recall seeing a reporter or a journalist</p> <p>20 rioting?</p> <p>21 A. Not that I recall.</p> <p>22 Q. Do you recall seeing a -- or being threatened by a</p> <p>23 journalist?</p> <p>24 A. Not that I recall.</p> <p>25 Q. Do you recall being accosted by a member of the media?</p>	<p style="text-align: right;">332</p> <p>1 wouldn't mind --</p> <p>2 MR. WEINER: -- but that's okay.</p> <p>3 MS. WIESSNER: If you wouldn't mind</p> <p>4 waiting for the rest of the questioning, I think it</p> <p>5 will become clear.</p> <p>6 MR. WEINER: I'm just making my objection</p> <p>7 clear for the record.</p> <p>8 BY MS. WIESSNER:</p> <p>9 Q. So, Ms. Johnson, I'll ask the question again.</p> <p>10 Do you recall testifying that you don't remember</p> <p>11 if Colonel Langer used the word "delete" when he was</p> <p>12 directing members of the State Patrol to delete data</p> <p>13 from the George Floyd operation?</p> <p>14 A. I don't -- ask me that -- I'm -- things are just</p> <p>15 getting a lot of -- there's a lot jumbled in my head</p> <p>16 because I thought I was understanding but I wasn't.</p> <p>17 What was the question again?</p> <p>18 Q. That's totally fine. Always ask for clarification. I</p> <p>19 can try to ask it in a better manner.</p> <p>20 Do you recall testifying that you don't recall</p> <p>21 whether Colonel Langer used the word "delete" when he</p> <p>22 was telling members of the State Patrol to get rid of</p> <p>23 data from the George Floyd operation period?</p> <p>24 A. Yes.</p> <p>25 Q. So could he have used the word "destroy"?</p>

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<p style="text-align: right;">333</p> <p>1 A. I -- I suppose.</p> <p>2 Q. Could it have been "get rid of"?</p> <p>3 A. It could have been.</p> <p>4 Q. But you understood the message was to destroy, delete,</p> <p>5 or get rid of emails, photos, and data from the George</p> <p>6 Floyd operation response, right?</p> <p>7 A. Yes.</p> <p>8 Q. You have been deployed with the MRT to civil unrest</p> <p>9 and protest events before the George Floyd operation,</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. But you testified that these protests surrounding the</p> <p>13 killing of George Floyd were historic, right?</p> <p>14 A. Yes.</p> <p>15 Q. They were like nothing else you had ever seen when you</p> <p>16 were deployed with the MRT, correct?</p> <p>17 A. Yes.</p> <p>18 Q. In fact, these were unprecedented events, right?</p> <p>19 A. Yes.</p> <p>20 Q. Had you ever seen this many reporters or journalists</p> <p>21 at any of your previous deployments?</p> <p>22 A. No.</p> <p>23 Q. So did it surprise you that there would be unique or</p> <p>24 special instructions related to the presence of media</p> <p>25 at these protests?</p>	<p style="text-align: right;">335</p> <p>1 Q. And this was a memorable event for the State Patrol</p> <p>2 and the MRT, right?</p> <p>3 MR. WEINER: Objection, calls for</p> <p>4 speculation.</p> <p>5 A. It was -- it was -- it was -- I would say yes.</p> <p>6 BY MS. WIESSNER:</p> <p>7 Q. It was being discussed widely amongst the troopers</p> <p>8 after it happened?</p> <p>9 MR. WEINER: Objection, calls for</p> <p>10 speculation.</p> <p>11 A. I don't recall specifically --</p> <p>12 BY MS. WIESSNER:</p> <p>13 Q. It was --</p> <p>14 A. -- that.</p> <p>15 Q. Excuse me. Go ahead.</p> <p>16 A. I just -- I don't recall specifically.</p> <p>17 Q. It was used as a teaching moment for the MRT or the</p> <p>18 State Patrol about the media, though, right?</p> <p>19 A. Correct. Yes.</p> <p>20 MR. WEINER: Objection, calls for</p> <p>21 speculation.</p> <p>22 BY MS. WIESSNER:</p> <p>23 Q. So the MRT started talking about the media and</p> <p>24 journalists in meetings and briefings after that</p> <p>25 arrest, correct?</p>
<p style="text-align: right;">334</p> <p>1 A. Again, what was the question?</p> <p>2 Q. Sure. Did it surprise you that there were special or</p> <p>3 unique instructions for the MRT related to handling</p> <p>4 media at these protests?</p> <p>5 A. I wouldn't use the word "surprised" necessarily, but</p> <p>6 it made sense that there -- that there were -- once we</p> <p>7 were informed of what the protocol was, it made sense.</p> <p>8 Q. It made sense that there were special instructions for</p> <p>9 handling the media, right?</p> <p>10 A. Yes.</p> <p>11 Q. Were you deployed at the protests following the</p> <p>12 killing of Daunte Wright by Officer Kim Potter in</p> <p>13 Brooklyn Park, Minnesota, with the MRT?</p> <p>14 A. No.</p> <p>15 Q. In December we also discussed the arrest of Omar</p> <p>16 Jimenez by the State Patrol. Do you recall that?</p> <p>17 A. What -- what is the date and what is -- what incident</p> <p>18 is that?</p> <p>19 Q. So Omar Jimenez is the CNN reporter that we</p> <p>20 discussed --</p> <p>21 A. Okay.</p> <p>22 Q. -- the MRT arresting in the early hours of the morning</p> <p>23 on Friday, May 29th. Do you recall discussing that</p> <p>24 incident?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">336</p> <p>1 A. Yes.</p> <p>2 Q. You also testified that by May 30th, the next evening,</p> <p>3 you clearly understood that the media were off-limits,</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 MR. WEINER: Objection, misstates the</p> <p>7 testimony.</p> <p>8 BY MS. WIESSNER:</p> <p>9 Q. And you understood that journalists were allowed to</p> <p>10 stay and report on events, including police uses of</p> <p>11 force and arrests, correct?</p> <p>12 A. Yes.</p> <p>13 Q. And you testified that by May 30th the consensus was</p> <p>14 that if the media are out of the way or to the side of</p> <p>15 the MRT line, the MRT can go around them, right?</p> <p>16 A. Yes.</p> <p>17 Q. So if the media was not bothering you as a member of</p> <p>18 the MRT, you could pass by them, right?</p> <p>19 A. Correct. That was my understanding.</p> <p>20 Q. I want to follow up just briefly on the text messages</p> <p>21 in Exhibit 18 that we discussed between you and we</p> <p>22 established that it's Captain Engeldinger.</p> <p>23 He is saved in your phone as Captain Gefalscht;</p> <p>24 is that correct?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">337</p> <p>1 Q. Why?</p> <p>2 A. Do you speak German?</p> <p>3 Q. I -- well, you would think Greta Wiessner would speak</p> <p>4 some German. I speak very little German. So, nein.</p> <p>5 A. Fair. Captain Fake, Imposter. That's what the</p> <p>6 translation is in German.</p> <p>7 Q. Why did you change his name to Captain Fake or Captain</p> <p>8 Imposter?</p> <p>9 A. It seemed fitting at the time.</p> <p>10 Q. When was at the time? When did you make this change?</p> <p>11 A. I don't recall, but it was -- it would have been</p> <p>12 after -- it probably would have been after I was</p> <p>13 terminated, I would guess. Not guess.</p> <p>14 Q. After --</p> <p>15 A. I would say yes. After I was terminated, yes.</p> <p>16 Q. And why did you decide to change it to Captain Fake or</p> <p>17 Captain Imposter?</p> <p>18 A. I mean, there's a whole slew of reasons. Just to poke</p> <p>19 fun for my own amusement.</p> <p>20 Q. I'll refrain from asking if I'm saved as anything in</p> <p>21 your phone.</p> <p>22 A. You're good.</p> <p>23 Q. You also testified today that those were the only text</p> <p>24 messages that you had with Captain Engeldinger, Mike</p> <p>25 Eck, Joe Dwyer, or Ben Lockman; is that correct?</p>	<p style="text-align: right;">339</p> <p>1 Q. So you weren't able to find any identifying</p> <p>2 information?</p> <p>3 A. Correct.</p> <p>4 Q. Based on your review of the photos in the shared</p> <p>5 Google photo album, should some or all of those photos</p> <p>6 been uploaded to the State Patrol's L:drive and</p> <p>7 preserved?</p> <p>8 MR. WEINER: Objection, calls for</p> <p>9 speculation.</p> <p>10 A. I suppose it is dependent on how the General Order</p> <p>11 is -- is written. They could be considered -- they</p> <p>12 could be considered to be investigative photos.</p> <p>13 BY MS. WIESSNER:</p> <p>14 Q. So based on your understanding of the policy and what</p> <p>15 you would consider investigative photo, should some of</p> <p>16 those photos have been preserved and uploaded to the</p> <p>17 L:drive?</p> <p>18 A. Yes.</p> <p>19 MS. WIESSNER: I have no more questions</p> <p>20 for you, Ms. Johnson.</p> <p>21 FURTHER EXAMINATION</p> <p>22 BY MR. WEINER:</p> <p>23 Q. Thank you, Ms. Johnson. I think I have three or four</p> <p>24 follow-up questions.</p> <p>25 The first is, Ms. Wiessner was asking you whether</p>
<p style="text-align: right;">338</p> <p>1 A. Correct. Yes.</p> <p>2 Q. Did you also look for emails with Captain Engeldinger</p> <p>3 and the other defendants?</p> <p>4 A. Yes. Nothing. I searched all the names in the</p> <p>5 emails, text messages. Also, like with Engeldinger, I</p> <p>6 had personal and work phone in my phone, along with</p> <p>7 Eck; and the only text messages that remained out of</p> <p>8 that whole list or email was the text messages that I</p> <p>9 had sent, with the exception of the one screenshot</p> <p>10 that I missed or didn't upload or what have you.</p> <p>11 Q. It's the one about the grizzly bears? Is that the one</p> <p>12 you're referring to?</p> <p>13 A. That would be it.</p> <p>14 Q. And you've agreed to send that later today or sometime</p> <p>15 soon, correct?</p> <p>16 A. Yes. I will send it once we are -- once we wrap this</p> <p>17 up, I'll just do that immediately.</p> <p>18 Q. Thank you.</p> <p>19 You had also agreed to look into whether you</p> <p>20 could find any contact information or identification</p> <p>21 information for the person named Mike in the shared</p> <p>22 Google photo album.</p> <p>23 A. Correct.</p> <p>24 Q. Did you do so?</p> <p>25 A. No information.</p>	<p style="text-align: right;">340</p> <p>1 Colonel Langer -- in discussing the data that existed,</p> <p>2 whether he could have used the word "destroy" as part</p> <p>3 of that conversation. As you sit here today, do you</p> <p>4 recall him using the word "destroy"?</p> <p>5 A. I don't recall verbatim what he said, no.</p> <p>6 Q. And same question. Ms. Wiessner asked about the term</p> <p>7 "get rid of." Do you recall Colonel Langer using the</p> <p>8 term "get rid of"?</p> <p>9 A. I don't recall the verbiage that he used.</p> <p>10 Q. And in your last deposition in December, you testified</p> <p>11 that the only specific thing you remember Colonel</p> <p>12 Langer saying or the words that he used were "key word</p> <p>13 search."</p> <p>14 A. Yes.</p> <p>15 Q. Do you recall him using those words?</p> <p>16 A. Yes.</p> <p>17 Q. Do you recall any other specific words that Colonel</p> <p>18 Langer used at the time?</p> <p>19 A. No.</p> <p>20 Q. Now, you were asked about your understanding that</p> <p>21 State Patrol was to take a different tact with the</p> <p>22 media and that had been communicated to you at some</p> <p>23 point. Do you recall answering questions about that?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Now, in your last deposition back in December</p>

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<p style="text-align: right;">341</p> <p>1 when I asked you about that instruction, you told me</p> <p>2 that you could not remember where you were when you</p> <p>3 received that instruction. Is that still true today?</p> <p>4 A. Correct.</p> <p>5 Q. You don't remember specifically when it was given,</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. And that would include, you don't know if it was given</p> <p>9 before or after May the 30th of 2022, correct?</p> <p>10 A. I don't recall the specific date, but it was -- we</p> <p>11 knew that prior to Saturday, which would be the 30th,</p> <p>12 the -- the day, that day.</p> <p>13 Q. Okay. So it's your testimony that you were aware of</p> <p>14 it before that Saturday, May the 30th, but you don't</p> <p>15 recall who told you that?</p> <p>16 A. About the media.</p> <p>17 Q. About the media, yes, ma'am.</p> <p>18 A. Correct.</p> <p>19 Q. You don't recall where you were when that happened?</p> <p>20 A. At -- I don't recall if it was at a briefing or a</p> <p>21 debrief or somewhere, but it was at our muster point</p> <p>22 or somewhere where we were gathered, I guess, yeah.</p> <p>23 So, no, I don't remember. Sorry.</p> <p>24 Q. I believe you testified in December that it could</p> <p>25 have been on a bus that someone told you that.</p>	<p style="text-align: right;">343</p> <p>1 make promises I can't keep, so I'll say I think I have</p> <p>2 just a couple more questions.</p> <p>3 FURTHER EXAMINATION</p> <p>4 BY MS. WIESSNER:</p> <p>5 Q. You testified that you're not sure specifically where</p> <p>6 you were when you received orders about the media. Is</p> <p>7 that correct?</p> <p>8 A. Correct.</p> <p>9 Q. Do you recall if you were by yourself or in a group?</p> <p>10 A. I'm fairly certain that there were others present. It</p> <p>11 was -- I feel like it was -- we were informed, there</p> <p>12 was a group of us or all of us or whoever was present</p> <p>13 was informed. It wasn't a conversation between myself</p> <p>14 and -- it was not like a person-to-person</p> <p>15 conversation.</p> <p>16 Q. Because an order is only effective if it's given to</p> <p>17 the whole group, right?</p> <p>18 A. Correct.</p> <p>19 MR. WEINER: Objection, calls for</p> <p>20 speculation.</p> <p>21 BY MS. WIESSNER:</p> <p>22 Q. You weren't receiving orders on a one-to-one basis as</p> <p>23 an MRT line trooper, right?</p> <p>24 A. Correct.</p> <p>25 Q. You were receiving orders and directions in a large</p>
<p style="text-align: right;">342</p> <p>1 Correct?</p> <p>2 A. It could have been, yes.</p> <p>3 Q. You don't have any recollection as you sit here today</p> <p>4 where you were when you received this information,</p> <p>5 correct?</p> <p>6 A. Correct.</p> <p>7 Q. And you also, I believe you testified last time, don't</p> <p>8 recall who else was present when you --</p> <p>9 A. Correct.</p> <p>10 MR. WEINER: Okay. I think that's all</p> <p>11 the questions that I have for you. Thank you very</p> <p>12 much.</p> <p>13 I don't know if Ms. Wiessner will have any</p> <p>14 follow-up.</p> <p>15 MS. WIESSNER: If you wouldn't mind, we'd</p> <p>16 like to just take a quick five minutes to gather with</p> <p>17 Andy and reconvene. Three minutes is probably fine,</p> <p>18 so come back at 3:30, just to make sure we've got</p> <p>19 everything covered.</p> <p>20 VIDEOGRAPHER: Off the video record at</p> <p>21 3:27 p.m.</p> <p>22 (From 3:27 p.m. to 3:30 p.m. a recess was taken.)</p> <p>23 VIDEOGRAPHER: This is File 8. We are on</p> <p>24 the record at 3:30 p.m.</p> <p>25 MS. WIESSNER: Ms. Johnson, I hate to</p>	<p style="text-align: right;">344</p> <p>1 group with other troopers, correct?</p> <p>2 A. Correct.</p> <p>3 Q. So the media order that you received was received by</p> <p>4 other troopers and members of your team, right?</p> <p>5 MR. WEINER: Objection, calls for</p> <p>6 speculation.</p> <p>7 A. I would guess -- or I would say that, yes, there was</p> <p>8 others present.</p> <p>9 MS. WIESSNER: I have no further</p> <p>10 questions.</p> <p>11 MR. WEINER: Nothing from the State other</p> <p>12 than thank you again, Ms. Johnson. I imagine that</p> <p>13 Ms. Wiessner will read you the read and sign</p> <p>14 information that we gave you at the end of the last</p> <p>15 deposition.</p> <p>16 MS. WIESSNER: Yes. Ms. Johnson, as we</p> <p>17 discussed at your last deposition, you will have the</p> <p>18 right to see a copy of the transcript of your</p> <p>19 deposition today to review. You'll have an</p> <p>20 opportunity to make any corrections to anything you</p> <p>21 find that was incorrectly transcribed, and you'll have</p> <p>22 the opportunity to sign that.</p> <p>23 THE WITNESS: Okay.</p> <p>24 MS. WIESSNER: And you would like to</p> <p>25 receive and sign your deposition transcript,</p>

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345	<p>1 Ms. Johnson?</p> <p>2 THE WITNESS: Yes.</p> <p>3 MS. WIESSNER: Okay. We'll be in touch</p> <p>4 about that.</p> <p>5 VIDEOGRAPHER: This concludes the video</p> <p>6 deposition. It is 3:32 p.m.</p> <p>7 (The deposition concluded at 3:32 p.m.)</p> <p>8 * * *</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
347	<p>1 SIGNATURE PAGE</p> <p>2 I, TESA JOHNSON, swear I have read the</p> <p>3 foregoing pages of my deposition, and I have noted</p> <p>4 the changes or corrections, if any, below:</p> <p>5</p> <p>6 Page: Line: Change:</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 TESA JOHNSON</p> <p>24</p> <p>25</p>
346	<p>1 REPORTER'S CERTIFICATE</p> <p>2</p> <p>3 I hereby certify that I reported the virtual and</p> <p>4 videotaped deposition of TESA JOHNSON, VOLUME 2, on</p> <p>5 the 10th day of January 2024;</p> <p>6 That I was then and there a Notary Public in</p> <p>7 and for the County of Scott and the State of</p> <p>8 Minnesota, and as such I was duly authorized to</p> <p>9 administer an oath;</p> <p>10 That the witness before testifying was by me</p> <p>11 first duly sworn to testify to the whole truth and</p> <p>12 nothing but the truth relative to said cause;</p> <p>13 That the foregoing testimony was recorded in</p> <p>14 shorthand by me and transcribed into typewriting</p> <p>15 under my direction, and is true and correct to the</p> <p>16 best of my ability;</p> <p>17 That I am not related to any of the parties</p> <p>18 hereto nor interested in the outcome of the action.</p> <p>19 WITNESS MY HAND AND SEAL this 15th day of</p> <p>20 January 2024.</p> <p>21 </p> <p>22 </p> <p>23 Rhonda Olynyk</p> <p>24 Notary Public</p> <p>25 Scott County, Minnesota</p>

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